

In re Patent Application of
DELLMO ET AL.
Serial No. **10/806,937**
Filed: **MARCH 23, 2004**

REMARKS

The Examiner is thanked for the thorough examination of the present application. Applicants are of course disappointed that the Examiner has again rejected the claims after agreeing that the claims define over the prior art during the telephonic interviews of February 2, 2009 and February 23, 2009. The patentability of the claims is discussed below.

I. The Claimed Invention

The present invention, as recited in independent Claim 1, for example, is directed to a cryptographic device including a cryptographic module and a communications module removably coupled thereto. The cryptographic module includes a user network interface and a cryptographic processor coupled thereto. The communications module includes a network communications interface coupled to the cryptographic processor. The cryptographic processor communicates with the user network interface using a Media Independent Interface (MII), and the cryptographic processor communicates with the network communications interface using the MII. The cryptographic module and the communications module communicate using the MII to transfer encrypted data and communications module configuration operations therebetween.

Independent Claim 37 is directed to the cryptographic

In re Patent Application of
DELLMO ET AL.
Serial No. **10/806,937**
Filed: **MARCH 23, 2004**

module of independent Claim 1. Independent Claim 21 is a method counterpart of independent Claim 1. Independent Claim 28 is a system counterpart of independent Claim 1.

Independent Claim 12 is directed to a corresponding cryptographic device where the cryptographic module includes a Local Area Network (LAN) interface, the communications module includes a network LAN interface, the cryptographic module and communications module both operate using at least one unique external media access control (MAC) address, and at least one fixed internal MAC address. Independent Claim 12 does not recite the cryptographic and communications modules being removably coupled.

II. The Claims are Patentable

A. Claims 1-11, and 21-42 Are Patentable

The Examiner rejected independent Claims 1, 21, 28, and 37 over a combination of Dellmo et al. and Boucher et al. Dellmo et al. is directed to a secure wireless LAN device including a housing, a wireless transceiver carried by the housing, and a cryptography circuit carried by the housing. A media access controller (MAC) is included and implements a predetermined wireless LAN MAC protocol. The cryptography circuit includes a cryptography processor, and a control gateway

In re Patent Application of
DELLMO ET AL.
Serial No. 10/806,937
Filed: MARCH 23, 2004

circuit connected to the MAC and the wireless transceiver. The secure wireless LAN device also includes a user network interface carried by the housing and connected to the MAC.

The Examiner correctly recognized that Dellmo et al. fails to disclose the cryptographic processor communicating with the user network interface using a Media Independent Interface (MII), and the cryptographic processor communicating with the network communications interface using the MII. The Examiner then turned to Boucher et al. for these noted deficiencies.

Boucher et al. is directed to a device for processing network communication to greatly increase the speed and efficiency of transferred data. Boucher et al. discloses an intelligent network interface card connected with four network lines that transport data along a number of different conduits, where each connection provides an MII.

Applicants submit that the Examiner's selective combination of references is improper. Indeed, Boucher et al. discloses:

The INIC 200 is connected with four network lines 210, 240, 242 and 244, which may transport data along a number of different conduits, such as twisted pair, coaxial cable or optical fiber, each of the connections providing a media independent interface (MII) via commercially available physical layer chips... (Emphasis Added). (See Boucher et al., Col. 17, lines 9-28).

In re Patent Application of
DELLMO ET AL.
Serial No. 10/806,937
Filed: MARCH 23, 2004

Next, a TCP/IP packet is received from the network line 210 via network connector 2101 and Physical Layer Interface (PHY) 2100. PHY 2100 supplies the packet to MAC 402 via a Media Independent Interface (MII) parallel bus 2109. (Emphasis Added). (See Boucher et al., Col. 26, lines 52-56).

Boucher et al. discloses using an MII from the network line 210 to the MAC via parallel bus 2109. A combination of Dellmo et al. and Boucher et al. would, at best, result in an MII between the Dellmo et al. PCMCIA connector 27 and MAC 60.

Moreover, Boucher et al. is not directed to cryptographic processing. A person having ordinary skill in the art would not turn to Boucher et al. for transferring encrypted data and communications module configuration operations therebetween. Nowhere in Boucher et al. does it disclose the cryptographic processing and thus, to selectively combine Dellmo et al. and Boucher et al. to disclose communicating with the user network interface using an MII, and the communications module communicating using the MII to transfer encrypted data and communications module configuration operations therebetween, would be improper.

Indeed, the Examiner is improperly using Applicants' own Specification as a roadmap to selectively combine disjoint

In re Patent Application of
DELLMO ET AL.
Serial No. 10/806,937
Filed: MARCH 23, 2004

pieces of the prior art. Applicants point out that Dellmo et al., whose primary objective is to provide greater security in a wireless LAN environment, teaches a secure wireless LAN device including a housing, a wireless transceiver carried by the housing, and a cryptography circuit carried by the housing. Conversely, Bouchard et al. discloses attempts at efficient network communication and virtual connection configuration in a non-secure environment. Thus, selectively combining the MII disclosed in Boucher et al. with Dellmo et al. in an attempt to disclose the cryptographic processor communicating with the user network interface using an MII, and the communications module communicating using the MII to transfer encrypted data and communications module configuration operations therebetween, is a result of improperly using Applicants' own Specification. Accordingly, Claims 1, 21, 28, and 35 are patentable for this reason.

As another independent basis for patentability, the Examiner contended that Dellmo et al., Figure 7, discloses the cryptographic module and communications module being removably coupled. Dellmo et al., Figure 7, is reproduced below for reference.

In re Patent Application of
DELLMO ET AL.
 Serial No. 10/806,937
 Filed: **MARCH 23, 2004**

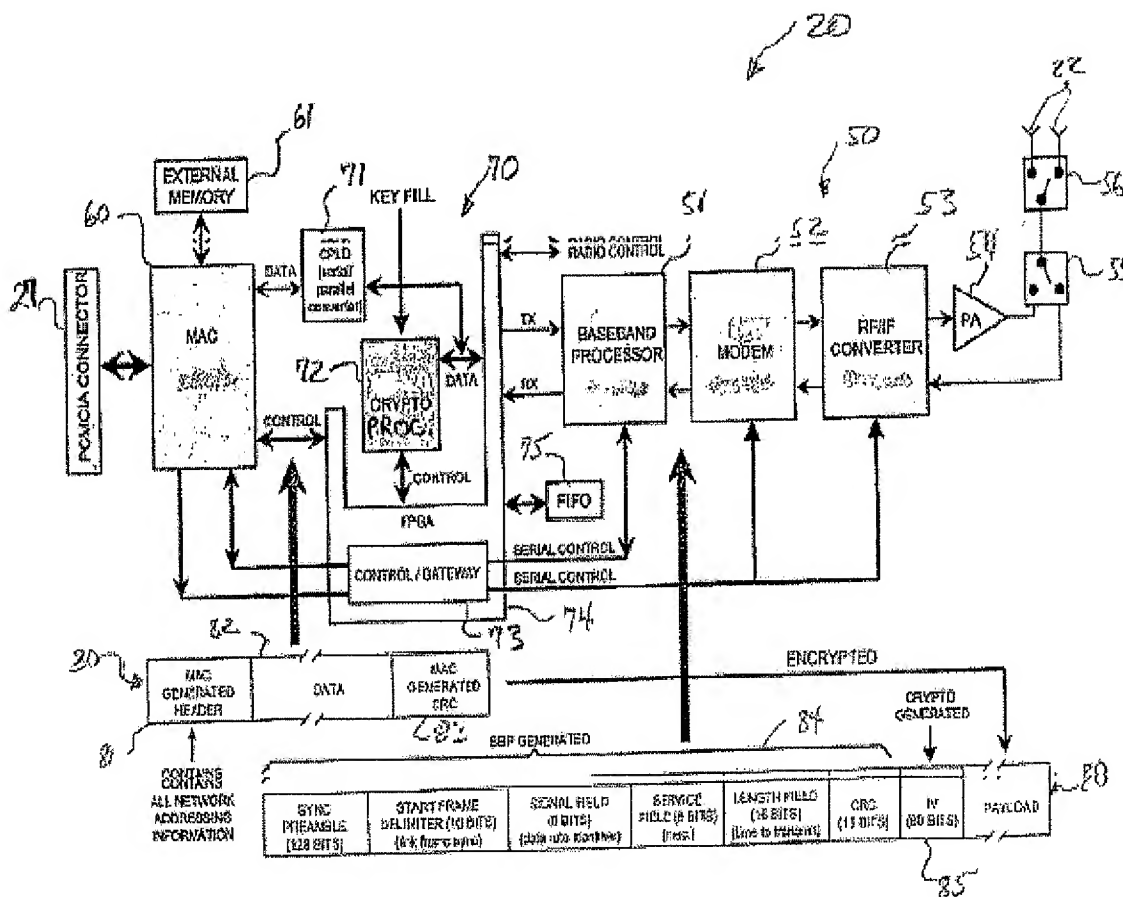


Fig. 7

Figure 7 of Dellmo et al.

Applicants submit that the Examiner mischaracterized Figure 7 of Dellmo et al., above, as it fails to disclose the cryptographic module and the communications module being removably coupled. Indeed, even if some other creative reading

In re Patent Application of
DELLMO ET AL.
Serial No. **10/806,937**
Filed: **MARCH 23, 2004**

of Dellmo et al. disclosed the cryptographic module and the communications module being removably coupled, one of skill in the art would not know how to make a selective combination of Dellmo et al. and Boucher et al. to produce the cryptographic module and communications module being removably coupled. Indeed, the Examiner is improperly using the Applicants' Specification in an attempt to combine disjoint pieces of the prior art. Accordingly, Claims 1, 21, 28, and 35 are patentable also for this reason.

B. Claims 12-20 Are Patentable

The Examiner rejected independent Claim 12 over a combination of Dellmo et al., Boucher et al., and Nguyen. The Examiner cited Dellmo et al. as teaching a cryptographic device including a cryptographic module and a communications module coupled thereto. The cryptographic module includes a user LAN interface and a cryptographic processor.

Nguyen et al. is directed to a method and apparatus for improving the configuration of virtual connections. Virtual path identifier and virtual channel identifier availability indexes are made available to network administrators in order to reduce the potential for misconfiguration. Nguyen et al. is cited for the teaching of the cryptographic module and the communications module both operating using at least one unique external media access control (MAC) address, and at least one fixed internal MAC address. However, Nguyen et al. adds nothing

In re Patent Application of
DELLMO ET AL.
Serial No. 10/806,937
Filed: MARCH 23, 2004

to the deficiencies of Dellmo et al. and Boucher et al., as discussed above.

Accordingly, it is submitted that independent Claims 1, 12, 21, 28 and 37 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

III. Conclusion

In view of the arguments presented above, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. If the Examiner determines any remaining informalities exist, he is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,



DAVID S. CARUS
Reg. No. 59,291
Allen, Dyer, Doppelt, Milbrath
& Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
407-841-2330
407-841-2343 fax
Attorney for Applicants